BANXCORP, **Plaintiff(s),** **-vs-** **BANKRATE, INC.,** **Defendant(s).**	**UNITED STATES DISTRICT COURT** **DISTRICT OF NEW JERSEY** **Hon. Susan D. Wigenton** **Civil Action No. 07-3398 (SDW)**

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BANXCORP, **Plaintiff(s),** **-vs-** **LENDINGTREE, LLC, et al.,** **Defendant(s).**	**Hon. Susan D. Wigenton** **Civil Action No. 10-2467 (SDW)**

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BANXCORP, **Plaintiff(s),** **-vs-** **APAX PARTNERS, et al.,** **Defendant(s).**	**Hon. Susan D. Wigenton** **Civil Action No. 10-4769 (SDW)**

DENYING WITHOUT PREJUDICE MOTION TO CONSOLIDATE

THIS MATTER having come before the Court on plaintiff's Cross-Motion for Consolidation Under Rule 42(a), Canter Law Firm (Nelson E. Canter, Esq., appearing) on notice to counsel for defendants, Lowenstein Sandler (Eric Jesse, Esq., appearing) on behalf of Defendant

Bankrate; McGuire Woods (Loree J. Shelko, Esq., appearing) on behalf of Defendant Lending Tree; Connell Foley, LLP (Liza M. Walsh, Esq., appearing) on behalf of Defendant Dow Jones; Gibbons, PC (Alice H.I.Lee, Esq., appearing) on behalf of Defendant The New York Times; Crowell & Moring, LLP (Mark S. Lichtenstein, Esq., appearing) on behalf of Defendant AOL; Saiber, LLC (Jeffrey W. Lorell, Esq., appearing) on behalf of Defendant Apax; and defendants having filed opposition to the Motion to Consolidate; and

IT APPEARING THAT the instant motion to consolidate was filed prior to disposition of the pending motion to dismiss; and

IT FURTHER APPEARING THAT until the underlying motion to dismiss is decided, the Court cannot evaluate the extent to which the actions involve common questions of fact; and for good cause shown;

IT IS on this 26th day of January, 2011

ORDERED that the motion to consolidate is DENIED without prejudice. After issue is joined and Answers are filed, plaintiff can request leave to file such motion at the Rule 16 scheduling conferences from Magistrate Judge Arleo.

SUSAN D. WIGENTON
United States District Judge